IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6894 OF 2004

ShriKrishna Sangeet Vidyalay & Anr... Petitioners.

Versus

Akhil Bharatiya Ghandarva Mahavidhalaya Mandal & Ors. .... Respondents.

Mr. S. D. Patil for the Petitioners.

Mr. A. P. Vanarse, AGP for Respondent State.

CORAM : S. A. BOBDE, J.

DATED : 21ST MARCH, 2005.

P.C.:

The petitioners challenge the rejection of their prayer for appointment of an Examiner for conducting examination and a direction to take examination. This prayer had been made by the petitioners to the Charity Commissioner under Section 41A of the Bombay Public Trust Act.

2. It appears that before the Charity Commissioner, the grievance of the petitioner was that their recognition has been improperly withdrawn by the

respondents i.e. by the Akhil Bharatiya Ghandarva Mahavidhalaya Mandal, Mumbai. The Charity Commissioner noticed that the appointment of the Examiner to conduct the examination is a right of the Opponent Trust and that the petitioner has no right to have a particular Examiner appointed to conduct the examination. Having regard to the fact that the petitioners appeared to have got the examination conducted by the unauthorised person, the respondents took a decision of closing the examination centre and informed the petitioners that their recognition is withdrawn. The Charity Commissioner has found the withdrawal of recognition justified and has come to the conclusion that this is not a matter for direction under Section 41A of the Bombay Public Trust Act. There is, therefore, no infirmity in the order of the Charity Commissioner. This petition is, therefore, dismissed.

3. This shall, however, not prevent the petitioners from taking recourse to such remedy as may be advised in accordance with law.

Sd/-

(**S. A. BOBDE, J.**)